

CONTINUING SUFFERING IN SUDAN AND THE U.S. GOVERNMENT RESPONSE

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before the

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Thank you, Chairwoman Gaer and Commissioners. I am grateful for the opportunity to be here with you today to discuss how the U.S. Government is working to encourage the full implementation of the Comprehensive Peace Agreement (CPA) and is working to end the unconscionable humanitarian suffering in Darfur.

The United States Commission on International Religious Freedom has achieved great successes through its work on Sudan, including bringing attention to the conflict between the north and south, elevating peace in Sudan as a higher priority of the U.S. Government, limiting the impact of sanctions on the south, and recommending that the U.S. Government appoint an individual to bring about a peaceful settlement of that conflict, a position held with great success by my predecessor, Senator John Danforth.

I am pleased through this hearing to be a part of the Commission's important work on Sudan.

Tragically, the story of mayhem, murder, and misery continues for too many Sudanese. In an effort to alleviate the suffering of the people of Sudan and contribute to the pursuit of a democratic, peaceful, and prosperous Sudan, the policy of the U.S. Government is focused on three main areas.

First, the United States is committed to the success of the CPA.

Implementation of the CPA is in danger.

The conduct of the census, a major milestone in the CPA, showed not only the stresses between the north and south, but also the marginalization of the people of Darfur from the CPA process.

Preparations for elections are woefully behind schedule and could put the 2011 referendum at risk.

In Abyei, violence has displaced more than fifty thousand innocent people, the parties have yet to agree to a resolution on the boundaries of the Abyei area, and oil revenue sharing-an issue of crucial importance not only during the interim period, but also after 2011-continues to be a challenge.

The U.S. Government is committed to protecting the CPA in these and other areas to ensure that the people of Sudan do not face the tragedy of another civil war.

Second, the United States is committed to ending the suffering of the people of Darfur, who-four years after President Bush called the world's attention to the genocide taking place-continue to suffer. The Government of Sudan (GOS) has announced a new commitment to move forward on a lasting peace in Darfur, but this has been followed by an attack on one of the largest camps for internally displaced persons (IDPs) and a bombing campaign in North Darfur. The government's continued rhetoric clearly is not being translated into progress on the ground.

Third, additional complexities have emerged following recent developments in the International Criminal Court (ICC). Sudan's nine neighbors are recalibrating their interests in anticipation of the possible issuance by the Court of an arrest warrant against President Bashir, while political actors and civil society inside Sudan similarly are weighing their options and reconsidering their positions. The ICC action adds a new

dimension to the already difficult questions of how to alleviate the humanitarian suffering of the people of Darfur and how to ensure implementation of the CPA and peace between north and south. Nonetheless, only progress that is tangible, not promises, will guide the position of the United States.

I. The CPA

The CPA, signed in 2005, brought an end in Sudan to decades of civil war triggered by deep ethnic, racial, tribal, and religious differences between north and south. The devastation of the north-south civil war-Africa's longest civil war-killed more than two million people and displaced another four million.

The conflict stemmed largely from the government's policies of Islamization and Arabization; the victims overwhelmingly were Southern Christians and members of traditional African religions.

The leadership of Islamic extremists from the North such as Hassan al-Turabi, the leader of the National Islamic Front, which in the 1980s and 1990s sought to create an Islamic state in Sudan, drove the central government's policies of marginalization.

Turabi mentored and influenced the ideas of President Bashir and the leadership of the National Congress Party, as well as Khalil Ibrahim, the leader of the Justice and Equality Movement (JEM) in Darfur.

The people of Sudan have suffered severe violations of religious freedom, and since 1999 the United States has designated Sudan a country of concern under the International Religious Freedom Act.

The CPA was a monumental achievement toward beginning to overcome these religious, racial, ethnic, and tribal divides, and we owe great thanks and respect to the work of President Bush and our international partners, including the European Union, the African Union, and the Governments of Norway, The Netherlands, and the United Kingdom. But the peace it brokered

remains fragile, and the peace deal is neither simple nor neat. It established an interim joint government for six years.

In less than three years, in 2011, a southern referendum will determine whether the south remains part of Sudan or whether it becomes an independent state. A referendum also will be held for Abyei, while popular consultations will be held for Southern Kordofan and Blue Nile State.

During the interim period, the CPA establishes complex structures providing for political power sharing, border demarcation, wealth sharing, a national census, and national elections.

The lengthy and complicated implementation period provides room for the process to falter or fall victim to mischief by the parties.

If we fail to pay close and careful attention to the accomplishment of the benchmarks that are designed to realign more equitably the political, economic, and social landscape of Sudan and address the grievances of millions of Sudanese, civil war surely will reignite.

Sudan has experienced great changes since the signing of the CPA. The two formerly warring parties have come together in a Government of National Unity.

The Sudan People's Liberation Movement (SPLM) established the Government of Southern Sudan (GOSS) in Juba, as well as ten state governments throughout the south.

The Interim National Constitution declares Sudan to be a "democratic, decentralized, multi-cultural, multi-ethnic, multi-religious, and multi-lingual State" and contains provisions guaranteeing universal human rights, including freedom of religion or belief.

Khartoum has transferred roughly \$1 billion annually to the GOSS.

Roads are being built.

More than 250,000 refugees have returned to the south, and more than 1.4 million internally displaced persons have returned to their homes.

The Sudan People's Liberation Army (SPLA) is transforming itself, with U.S. Government support, into a professional military body.

Nonetheless, implementation of the CPA continues to face many daunting challenges.

The nationwide census is a crucial vehicle for securing representation of the south in the central government.

The Fifth National Census had been scheduled for February 2008, but was postponed until April 15 as a result of holdups in funding by the GOS and delays in preparations.

Three days prior to the planned start in April, the SPLM announced that the census would be postponed again, citing the inability of many displaced Southerners to return to the south, the absence from the census forms of questions on ethnicity and religion, and continuing insecurity.

In part thanks to the unified position of the donor community that the census should go forward and the leadership of the GOSS President, Salva Kiir, the census finally took place from April 22 to May 6-but it was only a first step.

The difficult technical exercise of processing and determining the results still remains ahead, and endorsement of the results by both the Northern and Southern census agencies, as well as the reaction of Darfuris, will raise their own political challenges.

Indeed, the conduct of the census in April triggered tension not only for the north and south, but also for Darfur.

R ebel leaders called for a boycott of the census, and displaced Darfuris protested in camps, announcing their rejection of the process.

Clearly, the people of Darfur do not feel that they are a part of the CPA mechanisms that are meant to govern power-sharing for the entire country.

Elections also are a key challenge that will test the strength of the CPA. The passage of the National Election Act by the Sudanese National Assembly in July-more than two years overdue in the CPA's six-year timeline-marked an important step forward.

But more than two months later, the parties have yet to name a National Electoral Commission, which must be in place in order for the parties to begin preparations for elections in full.

The CPA calls for elections by July 2009.

The critical ingredients for a credible election in less than a year do not yet exist:

an independent and representative election management body, an overall election budget, a realistic timeframe for undertaking preparations before July 2009, and proper accounting for a debilitating rainy season that could disenfranchise millions of Southerners and other isolated Sudanese.

Given that this occurs during the rainy season in the south, which may prevent many voters from getting to the polls, the parties will need to decide jointly, as provided for under the CPA, whether July 2009 is a feasible date for credible and peaceful elections to take place, or whether they should choose to exercise their option under the CPA to postpone elections to a later date.

In either case, elections must be held early enough to allow for popular consultations in Southern Kordofan and Blue Nile and planning for the 2011 referendum to move forward.

The timing of the elections is only one of many challenges that need to be addressed.

The parties also must ensure that processes are in place to allow the international community to support and observe elections.

And they must revise media, political party, and security laws to establish an environment in which free and fair elections can take place.

Political parties must be able to campaign freely, and the press must be allowed to report independently.

The recent closure of two southern-based independent newspapers is particularly alarming and highlights the dire need for the Government of Sudan to change its laws and its policies to allow free and open public debate.

Finally, just as in the case of the conduct of the census, the parties must find a way-amid increased instability and insecurity-to ensure meaningful participation of Darfuris in the election.

Without a viable peace taking root in Darfur, this will be impossible.

Abyei remains a sensitive and dangerous flashpoint. The violence that erupted in May forced some fifty thousand innocent people from their homes and razed Abyei town.

When I traveled to Abyei in May, I saw a ghost town.

The entire town had fled the violence, walking for days to reach a safe place.

And now they live in desperate conditions in places like Agok, where I visited last month.

This is a town where the humanitarian community works hard in difficult conditions to provide food and shelter, the people try to make the best of their lives, and innocent people live under plastic sheeting as the rainy season goes on.

The violence of May revealed how quickly and how easily a local incident could spiral out of control.

After weeks of stalemate following the immediate crisis, and after years of impasse on the issue of Abyei, the NCP and the SPLM showed a capacity to budge on some fundamental and difficult issues and agreed in June to the Abyei Road Map.

The withdrawal of the SPLA and the Sudan Armed Forces (SAF) from the Abyei region-other than one SAF contingent that remains in the area of Difra-similarly shows a new interest of the parties in cooperation.

Joint integrated units (JIUs) are now responsible for security in Abyei, and unlike in the past, the JIUs are living together, training together, and patrolling together.

A newly formed joint integrated police unit has just completed training provided by the UN Mission in Sudan.

But the problems of Abyei have not been resolved completely. To determine the boundaries of the Abyei area, the parties have chosen to turn to arbitration, a process which lacks any apparent means for enforcement and could end in the same impasse that followed the decision of the Abyei Boundaries Commission in 2005.

A negotiated political settlement, in contrast, could provide room for both parties to take away gains, instead of leaving one party to shoulder a significant political loss and one party to proclaim victory.

Oil revenue also is a particularly sensitive and concerning issue. After years of the north refusing to share Abyei oil revenue with the south, the inclusion in the June 8 Abyei Road Map of a provision on oil revenue sharing for Abyei is promising.

The parties' reluctance, however, to discuss mechanisms for sharing oil revenue after 2011, both for Abyei oil and for oil produced throughout the south, shows their dangerous willingness to avoid the tough questions and postpone the most difficult work.

Sudan's oil resources represent a complex aspect of the relationship of north and south:

More than seventy percent of Sudan's oil production comes from the south, while the infrastructure for refinement and transport is located solely in the north.

The two parties necessarily must cooperate in order for them to derive any uninterrupted benefit from Sudan's great oil wealth.

Addressing this issue now could smooth the road to the referendum in 2011 and beyond.

If the south chooses to become an independent state, then it will need the cooperation of its northern neighbor to process and transport its oil; and if the south votes for unity, a mechanism for the south to continue to receive oil revenue ensures that when the CPA's wealth-sharing provisions no longer apply, the people of the south can continue to benefit from the resources of their land.

Of course, the parties themselves bear the ultimate responsibility to resolve these difficult issues. Nonetheless, engagement, attention, and creativity of the U.S. Government, NGOs, the advocacy community, and the international community will remain crucial for progress to be made in Sudan.

The U.S. Government was instrumental in the negotiation and ultimate signing of the CPA. As a guarantor of the agreement, we continue to work vigorously for full CPA implementation. One way the U.S. Government has supported and will continue to support the CPA is through technical, financial, and logistical support for nationwide elections. Elections are a key milestone in implementation of the CPA. They will provide an unprecedented opportunity for all Sudanese to participate in a process to choose their leaders and to participate in the political life of their country. The United States aims to bolster the credibility of these elections nationwide, across all of Sudan.

Through the work of the State Department, the U.S. Agency for International Development, and our implementing partners, we are working to support the full participation of all Sudanese in the electoral process, including residents of Darfur and internally displaced persons.

But ultimately the United States and other concerned countries do not own this problem.

The Sudanese do.

The GOS and the GOSS must allow access to all parts of Sudan for organizations providing elections assistance and civic and voter education work, as well as humanitarian and development aid.

The GOS must lift restrictions on the media, in order to ensure that political parties, civic groups, and all Sudanese citizens are able to freely participate in the electoral process.

The parties must act now to name a National Electoral Commission and put forward a transparent budget for elections to facilitate international donor assistance.

Another way that the U.S. Government is supporting the CPA is through working to strengthen Southern Sudan. Today the south, an area about the size of Texas, lacks adequate paved roads, schools, and hospitals. Large numbers of people die from normally treatable causes. Despite vast, rich agricultural land,

food aid must still be provided in a region that should be able to produce enough to feed itself and even others beyond its borders. There is no real manufacturing. The capacity of both the government and the army remains thin.

Development in these areas is crucial to the strength of the CPA. As the south grows stronger, the peace grows stronger. Increasing the governance capacity of the south will allow the GOSS to properly use the oil revenue it now receives from Khartoum to provide its constituents with basic services; build roads, schools, and hospitals; and pass critically needed new laws, such as an anti-corruption law and a media law.

A politically stronger south ensures that if the south votes for independence in 2011, it will be able to function as a viable state, and if the south opts for unity, it will be a full partner in a new Sudan.

A militarily stronger south serves as a deterrent to aggression by the north, and ensures that if the south votes for independence in 2011, the SPLA will have the foundation to become a strong national military for the new state, and if the south opts for unity, the SPLA will be a full partner in the country's joint military.

This is why the U.S. Government is devoting significant resources and attention to strengthening the south. In addition to assistance for the census and elections, the U.S. Government is focusing its efforts and resources on anticorruption reform, strengthening local governance, developing a strong civil society, facilitating dialogue among religious leaders, increasing access to independent media, and strengthening political parties.

In the areas of social and economic development, the U.S. Government is working with the GOSS to establish basic health and education services, improve and expand infrastructure and agriculture, and develop the capacity of the private sector.

The efforts of the U.S. Government are focused on the security sector of the south as well.

In FY08 the U.S. Government provided more than \$61 million to support improvement of the

SPLA's command and control infrastructure, advise its senior officers as they produced a Defense White Paper, and provide training to build institutional and strategic capacity.

In March, U.S. officials outside Juba inaugurated a \$12 million facility which serves as the new headquarters of the SPLA.

II. Darfur

We are here today to discuss the importance of the CPA because we all care deeply about the people of Sudan and doing what we can to help secure peace and prosperity in their country after too many years of civil war. Our efforts to ensure implementation of the CPA, however, not only can help preserve peace between north and south, but also serve as a predicate for peace for the people of Darfur.

Elections, for example, can provide an opportunity for all the people of Sudan to make their voices heard.

And the international community's continuing pressure on the parties to implement the CPA shows our continuing support for the agreements we encouraged, facilitated, and guaranteed.

The people of Darfur desperately need a sign that the international community-and the GOS-will stand behind peace agreements both in word and in action.

For the Darfuris, however, security remains the main priority.

The international community needs to continue to push the Sudanese to create and sustain a lasting peace in Darfur.

More than four years after President Bush called the situation in Darfur genocide, the conflict has mutated into chaos-rebels have become warlords, Arab militias are for sale to the highest bidder, reports of attacks by government forces indicate a use of excessive force similar to

incidents in 2004, bandits multiply, and the slow deployment of UNAMID peacekeeping forces has yet to bring stability to Darfur. Civilians are caught in the crossfire of rebel groups, armed militia, tribal groups, bandits, and government forces. Villages are desolated, livelihoods destroyed, and people are either killed or forced from their homes.

Despite dangerous conditions, approximately fourteen thousand humanitarian workers and U.S. government staff are doing a heroic job to help alleviate humanitarian suffering. Darfur is currently the largest humanitarian relief operation in the world, and the United States remains the single largest donor.

Since 2005, the United States has provided more than \$5 billion in humanitarian, peacekeeping, and reconstruction assistance to Sudan.

NGOs, however, have been increasingly harassed by the Humanitarian Affairs Commission and continue to report heightened bureaucratic impediments that make it difficult for them to obtain permits to visit IDP camps and move relief commodities into their areas of operation.

The World Food Programme (WFP) continues to deliver life-saving assistance to the people of Darfur, but it has been forced to cut its rations as a result of the continued banditry and attacks on humanitarian convoys.

Since January 2008, nearly 100 WFP trucks have been hijacked as they try to distribute food to those affected by the chaos in Darfur, and 43 WFP-contracted drivers remain missing.

During my trip to Sudan in June, I visited Otash IDP camp, which, like others, has wretched conditions for people who have been driven from their homes, some as long as four years ago. Among my stops in Darfur was a women's center where 450 women go daily to learn skills and earn meager wages making clay ovens, weaving straw mats and straw baskets, and baking bread.

Two hundred small children come to that center each day to learn their alphabet and participate in other activities.

It was heartwarming, full of promise and possibility in a world in which hope is in short supply.

Two nights later, a similar women's center in a nearby IDP camp that engaged in similar activities was burned to the ground.

Coincidence?

Intimidation of NGOs and IDPs?

We will never know, but I raised our condemnation of such brutality in the strongest possible terms with senior Sudanese government officials, including President Bashir, and with the international press.

This violence has destroyed the lives of innocent civilians in Darfur for too long.

It is unacceptable that they continue to suffer at the hands of their government.

Since my last visit to Sudan in August, there has been an alarming rise in violence in Darfur. On August 25, the SAF attacked Kalma camp, which, as a home to approximately ninety thousand people, is the largest camp for IDPs in South Darfur.

The UN confirmed that at least thirty people were killed and scores were wounded.

Eighteen SPLM officials withdrew from their posts in the state governments of North, South, and West Darfur in protest over the Kalma attack.

In addition, in recent weeks there have been reports of the SAF attacking rebel positions in North Darfur.

One rebel group claimed that SAF Antonovs extensively bombed the area, and that the SAF, along with Arab militias, then attacked the rebel groups on the ground.

The GOS, under the guise of a new law and order campaign to bring security to Darfur, is killing innocent civilians and creating more chaos in the region.

This is a disturbing pattern of violence that continues to claim the lives of innocent civilians.

The GOS, the Arab militias, and rebel leaders all have blood on their hands. This pattern of violence leaves no room for a sustainable peace in Darfur.

The United States supports the efforts of the new Chief Mediator, Djibril Bassole, who will face significant challenges in his efforts to mediate a lasting peace in Darfur given the complexity and severity of the Darfur conflict.

III. The ICC

Recent developments in the ICC on the situation in Darfur add a new dimension to issue of Darfur. In particular, the application of the Office of the Prosecutor for an arrest warrant against President Bashir has raised questions about the implications for the peace process in Darfur and has reinvigorated the difficult debate on the relationship of peace and justice. The United States is not a party to the Rome Statute, and I do not want to comment here on the internal machinery or deliberations of the court.

Regardless of our position on the ICC, however, we believe strongly that there should be no impunity for the atrocities committed in Darfur.

The people of Darfur have suffered for far too long.

As we evaluate the situation in Darfur, it is only tangible progress by the GOS-not promises of future action-that will guide the U.S. Government.

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The U.S. Government cares deeply about the people of Sudan and is committed to alleviating their humanitarian suffering and working to bring peace and prosperity to Sudan.

Through our work to ensure the implementation of the CPA and alleviate the humanitarian suffering of the people of Darfur, the U.S. Government has acted and will continue to act in

support of the people of Sudan.

The work of the United States Commission on International Religious Freedom has guided and energized our efforts.

Through many years of thoughtful involvement in the challenges facing Sudan, the Commission has served as a useful source of policy recommendations and analysis.

In order to help alleviate the suffering of the people of Sudan and secure the peace between north and south, the Commission has helpfully urged the U.S. Government to take actions such as promoting implementation of the crucial human rights and religious freedom provisions of the CPA, including the establishment of a national Human Rights Commission; focusing on reconciliation and dialogue among Sudanese; ending impunity for persons engaged in human rights abuses; and working to develop a strong civil society.

The U.S. Government has taken this guidance to heart, and I strongly support those recommendations and appreciate the work of the Commission on Sudan.

Thank you again for inviting me to participate today in this very important hearing.